

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS FOR TREATING CANCERS AND PATHOGEN INFECTIONS USING ANTIGEN-PRESENTING CELLS LOADED WITH RNA**

the specification of which (check applicable box(es)):

- ☐ is attached hereto  
☒ was filed on October 29, 1998 as U.S. Application Serial No. 09/171,916 (Atty Dkt. No. 1579-312)  
☒ was filed as PCT International application No. PCT/US97/07317 on 30 April 1997  
 and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
		30 April 1996

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
PCT/US97/07317	30 April 1997	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint **NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed)**, and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; William J. Griffin, 31260; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090.\*

- Inventor's Signature: Smita Nair Date: 1/26/99  
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- Inventor's Signature: David Boczkowski Date: 1-26-99  
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- Inventor's Signature: Ell Gilboa Date: 1/26/99  
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FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

Applicant or Patentee: Smita K. Nair, David J. Boczkowski, Eli Gilboa Attorney's  
 Serial or Patent No.: 09/171,916 Dkt. No.: 1579-312  
 Filed or Issued: October 29, 1998  
 For: **METHODS FOR TREATING CANCERS AND PATHOGEN INFECTIONS USING ANTIGEN-PRESENTING CELLS  
 LOADED WITH RNA**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
 STATUS (37 1.9(f) and 1.27 (c)) - **NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF  
 ORGANIZATION DUKE UNIVERSITY

ADDRESS OF  
 ORGANIZATION Durham, North Carolina 27708-0083

TYPE OF NONPROFIT ORGANIZATION

- ☒ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)  
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the  
 United States  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located  
 in The United States of America  
 (Name of state \_\_\_\_\_)  
 (Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (3) for purposes  
 of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ application identified above.  
☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above  
 identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights  
 to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an  
 independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business  
 concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.\*

\*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention,  
 averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity  
 status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small  
 entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are  
 believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are  
 punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements  
 may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Joyce McWherter

TITLE IN ORGANIZATION Patent Administrator

ADDRESS OF PERSON SIGNING Duke University, Box 90083, Durham, NC 27708

SIGNATURE

*Joyce McWherter*

DATE

1/20/99